

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AKANIYENE W. ETUK,

Plaintiff,

-v-

CIVIL ACTION NO. 24 Civ. 4953 (JPC) (SLC)

BRONXWORKS, et al.,

Defendants.

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On June 24, 2024, pro se Plaintiff Akaniyene Etuk (“Mr. Etuk”) filed this action, alleging that officials employed by Bronxworks, the Department of Human Services (“DHS”), and the New York City Police Department (“NYPD”) violated his rights under the Fourth Amendment and acted negligently by forcibly removing him from his residence on May 25, 2024. (See ECF No. 1). On August 16, 2024, Mr. Etuk filed an Amended Complaint alleging nearly identical facts and adding defendants—including Montefiore Medical Center (“Montefiore”) and the City of New York (the “City”—as well as claims under the Americans with Disabilities Act, 42 U.S.C. § 12101, and state law. (See ECF No. 7 (the “FAC”)).

On August 21, 2024, the Honorable John P. Cronan issued an order noting that, throughout the SAC, Mr. Etuk “refer[red] to unidentified individual officers and employees of the DHS, NYPD, Bronxworks, and Montefiore as being involved in the events” underlying the suit. (ECF No. 9 at 3–4). Judge Cronan thus directed the Clerk of Court “to add unidentified ‘John Does 1–10’ as placeholder Defendants in this action” and directed the Corporation Counsel for the City of New York, pursuant to Valentin v. Dinkins, 121 F.3d 72, 76 (2d. Cir. 1997), to “ascertain the identities . . . of these unidentified Defendants, as well as their service address.” (Id. at 5). On

December 18, 2024, the Corporation Counsel filed a partial response to the Valentin Order and requested an extension until January 21, 2025 to complete its response. (See ECF No. 23 (the “Partial Valentin Response”)). The next day, the Court granted the Corporation Counsel’s request. (See ECF No. 24).

Now before the Court are Mr. Etuk’s Second Amended Complaint (ECF No. 25 (the “SAC”))—which he filed without leave—and Montefiore’s Answer to the FAC (ECF No. 26). Notably, the SAC includes as defendants DHS Officer Dionne Buckett and NYPD Officer Joeche Ramirez (id. at 1), two individuals named in the Partial Valentin Response (see ECF No. 23). It no longer, however, names any John Does as defendants. As a result, it is not clear whether Mr. Etuk intends to proceed with claims against only the currently named defendants or still potentially wishes to sue as-yet-unnamed individuals whom the Corporation Counsel may identify in the supplement to the Partial Valentin Response due on January 21, 2025 (the “Supplemental Valentin Response”). (See ECF No. 24).

To promote the efficient adjudication of this action without duplicative pleadings and with all necessary parties, the Court will strike Mr. Etuk’s SAC and Montefiore’s Answer to the SAC. See Fed. R. Civ. P. 12(f) (“The Court may strike from a pleading . . . any redundant . . . matter.”); Brown v. West Valley Envtl. Servs., LLC, No. 10 Civ. 210 (HBS), 2010 WL 3369604, at *7, 10 (W.D.N.Y. Aug. 24, 2010) (striking unapproved pleadings from the record); U.S. ex rel. Atkinson v. PA. Shipbuilding Co., 473 F.3d 506, 524 (3d Cir. 2007) (“The rejection of an unapproved amended complaint is not an abuse of discretion.”). The Court will, however, within twenty-one (21) days of the Supplemental Valentin Response—i.e., by Tuesday, February 11, 2025—permit Mr. Etuk to file a motion to amend (the “Motion to Amend”) accompanied by a single, comprehensive proposed

second amended complaint (the “Proposed SAC”) naming each defendant he wishes to sue and raising every legal claim for which he seeks relief.

Consistent with the above, Mr. Etuk shall await the Supplemental Valentin Response, following which he must file the Motion to Amend and Proposed SAC by **Tuesday, February 11, 2025**. In the meantime, Mr. Etuk’s FAC remains the operative pleading in this action, and the Clerk of Court is respectfully directed to (1) STRIKE ECF Nos. 25 and 26 and (2) mail a copy of this Order to Mr. Etuk at the address on record.

Dated: New York, New York
 January 8, 2025



SARAH L. CAVE
United States Magistrate Judge